

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

The City of St. Helena, Town of Yountville,  
County of Napa, Napa Valley Vintners  
Association,

Complainants,

vs.

Napa Valley Wine Train, Inc.,

Defendant.

Case 88-03-016  
(Filed March 7, 1988)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REGARDING EX PARTE CONTACTS**

Counsel for Napa Valley Wine Train, Inc. (Wine Train) has filed notices of ex parte communication in this proceeding. The notices, dated March 15 and March 16, 2006, are very similar in substance and pertain to meetings on February 9 with Lindsay Brown (advisor to Commissioner Bohn), Belinda Gatti (advisor to Commissioner Brown), Kelly Hymes (advisor to Commissioner Grueneich), and Tim Sullivan (advisor to Commissioner Chong). The meetings occurred after the release of the draft decision, which was filed and served on January 1, 2006.

A ban on ex parte communication is in effect in this proceeding. After consultation with the Assigned Commissioner's Office and with the Commission's General Counsel, this ruling sets forth appropriate remedial

actions to ensure the integrity of the Commission's record in this case and to protect the public interest. (See Rule 1.5 of the Commission's Rules of Practice and Procedure [Rules].)

First, I note that the General Counsel has requested that the four named advisors not share the contents of the ex parte communications with other Commission staff or with any decisionmaker, as that term is defined in the Commission's Rules.

Second, within 3 days of this ruling, I direct Wine Train's counsel to file and serve an augmentation to the March 15 and 16 ex parte notices. Service to St. Helena and to the assigned ALJ shall be by electronic mail. The augmentation shall state each argument counsel actually made at each meeting in support of the requested relief (i.e. preparation of an alternate decision) and any other comments counsel made about this case.

Third, I offer the City of St. Helena (St. Helena), in its sole discretion, the opportunity to meet publicly with Commissioners Brown, Grueneich, Bohn and Chong at a date and time convenient to the four Commissioners. Additional details regarding the all party meeting are set forth in the following paragraphs. At its earliest convenience, St. Helena shall advise the Assigned Commissioner, by letter, whether or not it desires an all party meeting. The letter shall be served on the other three Commissioners, the assigned Administrative Law Judge, and the service list for this proceeding.

An all party meeting, if scheduled, will be set for half an hour. Counsel for St. Helena may present legal arguments, either in rebuttal to those set forth in Wine Train's augmented notices, or otherwise in support of St. Helena's position in this case. Wine Train will not be heard further at the all-party meeting, and St. Helena may not refer to any facts not already in the record of this proceeding.

Finally, while the above remedial actions are necessary to address the integrity of the record of this proceeding, they do not address the issue of what additional remedies or sanctions should be imposed. I expect that issue to be taken up by further ruling or order, as the Assigned Commissioner may direct.

**IT IS RULED** that:

1. At its earliest convenience, St. Helena shall advise Assigned Commissioner Grueneich, by letter, whether or not it desires the all party meeting described in the body of this ruling. The letter shall be served on Commissioners Brown, Bohn and Chong, Administrative Law Judge Vieth, and the service list for this proceeding.
2. Wine Train's counsel shall file and serve an augmentation to the March 15 and 16 ex parte notices within 3 days of this ruling. Service to St. Helena and to the assigned ALJ shall be by electronic mail. The augmentation shall state each argument counsel actually made at each meeting in support of the requested relief (i.e. preparation of an alternate decision) and any other comments counsel made about this case.
3. If set, the all party meeting will be conducted as described in the body of this ruling.

Dated April 21, 2006, at San Francisco, California.

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/s/ JEAN VIETH  
Jean Vieth  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Ex Parte Contacts on all parties of record in this proceeding or their attorneys of record.

Dated April 21, 2006, at San Francisco, California.

/s/ ELVIRA NIZ

Elvira Niz

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.